

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JAY BOLER,**

**PLAINTIFF**

**V.**

**NO. 4:04CV292-P-D**

**ETHEL CARLIZE, ET AL,**

**DEFENDANTS**

**ORDER DENYING PLAINTIFF'S MOTION FOR RELIEF FROM JUDGMENT**

Plaintiff, an inmate at the Mississippi State Penitentiary at Parchman, was ordered on September 28, 2004, to fill out an attached application for *in forma pauperis* (IFP), complete the authorization for release, have the authorized officer responsible for overseeing his inmate account fill out the certificate of account, and mail the form to the Clerk's Office within 20 days, as required by 28 U.S.C. § 1915. When plaintiff failed to submit the forms as ordered, his case was dismissed without prejudice on November 1, 2004, pursuant to Rule 41(b), Federal Rules of Civil Procedure, for failure to comply with an order of the court and failure to prosecute.

Before the court is a motion by plaintiff for relief for judgment (docket entry 8), in which plaintiff states that he did in fact file the necessary paperwork and asking that the dismissal be set aside and that he be allowed to proceed. As stated in the order of dismissal, the court did receive a copy of the plaintiff's motion to proceed IFP. However, it did not include a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint. Without that information the court cannot process his IFP application, and plaintiff has shown no basis for granting his motion. Accordingly, the motion for relief from judgment is **denied**.

**SO ORDERED** this the 20<sup>th</sup> day of July, 2005.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE